



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 3023

DATE SCANNED 3/1/8

SCANNER NO. 2

SCAN OPERATOR dh

2025 RELEASE UNDER E.O. 14176



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RECEIVED
FEDERAL ELECTION COMMISSION
2015 OCT -5 PM 2:23

October 5, 2015

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *SWH for*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC/mse*
Assistant Staff Director
Reports Analysis Division

BY: Kristin D. Roser/Martene Colucci *KDR MC*
Reports Analysis Division
Compliance Branch

SUBJECT: Reason To Believe Recommendation – 2015 August Monthly Report for the
Administrative Fine Program

Attached is the name of a political committee and its treasurer who failed to file the 2015 August Monthly Report in accordance with 52 U.S.C. § 30104(a). The August Monthly Report was due on August 20, 2015.

The committee listed in the attached RTB Circulation Report filed the report no more than thirty (30) days after the due date (considered a late filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, this committee should be assessed the civil money penalty highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committee and its treasurer listed on the RTB Circulation Report violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the RTB Circulation Report.
2. Send the appropriate letter.

Federal Election Commission

Reason to Believe Circulation Report

2015 AUGUST MONTHLY Not Election Sensitive 08/20/2015 P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
3023	C00044990	SOUTH DAKOTA REPUBLICAN PARTY		JUSTIN BELL	\$355,138	0	9/15/2015	26	\$74,159	\$2,735

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation –) AF 3023
2015 August Monthly Report for the)
Administrative Fine Program: South)
Dakota Republican Party and Justin Bell,)
Treasurer)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election
Commission, do hereby certify that on October 06, 2015, the Commission
decided by a vote of 6-0 to take the following actions in AF 3023:

1. Find reason to believe that the South Dakota Republican Party and Justin Bell, Treasurer violated 52 U.S.C. § 30104(a) and make a preliminary determination that the civil money penalty would be in the amount of \$2,735.
2. Send the appropriate letter.

Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and
Weintraub voted affirmatively for the decision.

Attest:

October 7, 2015
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

October 7, 2015

Justin Bell, in official capacity as Treasurer
South Dakota Republican Party
105 S. Pierre Street
Pierre, SD 57501

C00044990
AF#: 3023

Dear Mr. Bell:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an August Monthly Report of Receipts and Disbursements covering the period July 1, 2015 through July 31, 2015. This report shall be filed no later than August 20, 2015. 52 U.S.C. § 30104(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on September 15, 2015, 26 days late.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 52 U.S.C. § 30104(a). 52 U.S.C. § 30109g(a)(4). On October 06, 2015, the FEC found that there is reason to believe ("RTB") that South Dakota Republican Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) by failing to file timely this report on or before August 20, 2015.

Based on the FEC's schedules of civil money penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,735. Please see the attached copy of the Commission's administrative fine regulations at 11 CFR §§ 111.30-111.55. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 CFR § 111.34. Your payment of \$2,735 is due within forty (40) days of the finding, or by November 15, 2015, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$74,159
Number of Days Late: 26
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response to the FEC's Office of Administrative Review, 999 E Street,

NW, Washington, DC 20463. Your response must include the AF# (found at the top of page 1 under your committee's identification number) and be received within forty (40) days of the Commission's RTB finding, or November 15, 2015. 11 CFR § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 CFR § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 CFR § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 CFR § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to: (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 CFR § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. District Court under 52 U.S.C. § 30109. 11 CFR § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that South Dakota Republican Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 CFR § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

NOTICE REGARDING PARTIAL PAYMENTS AND SETTLEMENT OFFERS

4. Partial Payments

If you make a payment in an amount less than the calculated civil money penalty, the amount of your partial payment will be credited towards the full civil money penalty that the Commission assesses upon making a final determination.

5. Settlement Offers

Any offer to settle or compromise a debt owed to the Commission, including a payment in an amount less than the calculated civil money penalty assessed or any restrictive endorsements contained on your check or money order or proposed in correspondence transmitted with your check or money order, will be rejected. Acceptance and deposit or cashing of such a restricted payment does not constitute acceptance of the settlement offer. Payments containing restrictive endorsements will be deposited and treated as a partial payment towards the civil money penalty that the Commission assesses upon making a final determination. All unpaid civil money penalty amounts remaining will be subject to the debt collection procedures set forth in Section 2, above.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 52 U.S.C. § 30109(a)(2). Unless you notify the FEC in writing that you wish the matter to be made public, it will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and 30109(a)(12)(A) until it is placed on the public record at the conclusion of this matter in accordance with 11 CFR § 111.42.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Marlene Colucci in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,



Ann M. Ravel
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 CFR § 111.43, the amount of your civil money penalty calculated at RTB is \$2,735 for the 2015 August Monthly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by November 15, 2015. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: South Dakota Republican Party

FEC ID#: C00044990

AF#: 3023

PAYMENT DUE DATE: November 15, 2015

PAYMENT AMOUNT DUE: \$2,735



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2016 FEB -1 AM 10:08

February 1, 2016

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *WAP*
Staff Director

FROM: Patricia C. Orrock *PCO*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: *KDR* Kristin D. Roser/Marlene Colucci *M.C.*
Reports Analysis Division
Compliance Branch

SUBJECT: Administrative Fine Program – Final Determination Recommendation for the
2015 August Monthly Report

Attached is a list identifying a political committee and its treasurer against which the Commission has found reason to believe (RTB) and assessed a proposed civil money penalty calculated at RTB for failure to timely file the 2015 August Monthly Report. The committee has paid the civil money penalty requested at RTB.

In accordance with 11 CFR § 111.34, the Commission shall send a final determination notice to the respondent that has paid the civil money penalty.

RAD Recommendation

- (1) Make a final determination that the political committee and its treasurer, in his official capacity, listed on the attached report violated 52 U.S.C. § 30104(a) and assess the final civil money penalty so indicated.
- (2) Send the appropriate letter.

Federal Election Commission
FD Circulation Report Fine Paid
2015 AUGUST MONTHLY Not Election Sensitive 08/20/2015 P_UNAUTH

AF#	Committee Name	Candidate Name	Committee ID	Treasurer	Receipt Date	Days Late	LOA	PV	RTB Date	RTB Penalty	Final Money Penalty	Date Paid	Amount Paid
3023	SOUTH DAKOTA REPUBLICAN PARTY		C00044990	JUSTIN BELL	09/15/2015	26	\$74,159	0	10/06/2015	\$2,735	\$2,735	10/20/2015	\$2,735

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Administrative Fine Program - Final)
Determination Recommendation for the)
2015 August Monthly Report:)
SOUTH DAKOTA REPUBLICAN) AF# 3023
PARTY, and BELL, JUSTIN as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on February 04, 2016 the Commission took the following actions on the Administrative Fine Program - Final Determination Recommendation for the 2015 August Monthly Report as recommended in the Reports Analysis Division's Memorandum dated February 01, 2016, on the following committees:

AF#3023 Decided by a vote of 6-0 to: (1) make a final determination that SOUTH DAKOTA REPUBLICAN PARTY, and BELL, JUSTIN as treasurer, violated 52 U.S.C. 30104(a) and assess the final civil money penalty so indicated; (2) send the appropriate letter. Commissioners Goodman, Hunter, Petersen, Ravel, Walther, and Weintraub voted affirmatively for the decision.

Attest:

February 4, 2016
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 4, 2016

Justin Bell, in official capacity as Treasurer
South Dakota Republican Party
105 S Pierre Street
Pierre, SD 57501

C00044990
AF#: 3023

Dear Mr. Bell:

On October 6, 2015, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that South Dakota Republican Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a) for failing to timely file the 2015 August Monthly Report. By letter dated October 7, 2015, the Commission notified you of the RTB finding and the civil money penalty calculated at the RTB stage totaling \$2,735 in accordance with the schedule of penalties at 11 CFR § 111.43.

On October 20, 2015, the FEC received payment of the civil money penalty calculated at the RTB stage. The FEC made a final determination on February 4, 2016 that South Dakota Republican Party and you, in your official capacity as treasurer, violated 52 U.S.C. § 30104(a), assessed a civil money penalty in the amount of \$2,735 in accordance with 11 CFR § 111.43, and voted to close the file.

The confidentiality provisions at 52 U.S.C. § 30109(a)(12) no longer apply and this matter is now public. Pursuant to 11 CFR §§ 111.42(b) and 111.20(c), the file will be placed on the public record within thirty (30) days from the date of this notification.

If you have any questions regarding this matter, please contact Ben Holly on our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130.

On behalf of the Commission,

A handwritten signature in black ink, appearing to read "Matthew S. Petersen", is written over a horizontal line.

Matthew S. Petersen
Chair

FOR: South Dakota Republican Party

FEC ID#: C00044990

AF#: 3023

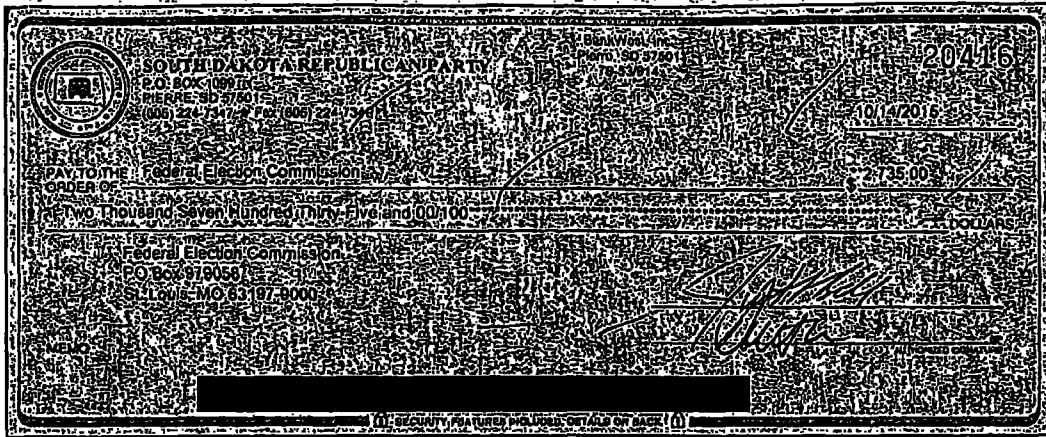
PAYMENT DUE DATE: November 15, 2015

PAYMENT AMOUNT DUE: \$2,735

100044990-1

FEDERAL ELECTION COMMISSION

Lockbox: GLX-979058 Ledger Date 10/19/2015

usbankSt. Louis GA Lockbox
(314) 425-1818

Batch	Item	TID	Batch Total	Amount
1	1	Y-3114105	\$2,735.00	\$2,735.00



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 3023

DATE SCANNED

3/1/16

SCANNER NO.

2

SCAN OPERATOR

an